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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,658	03/12/2007	Rachid Zegdi	2006_0999A	3730
513 7590 10/11/2011 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER MILLER, CHERYL L				
ART UNIT 3738		PAPER NUMBER		
NOTIFICATION DATE 10/11/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com
coa@wenderoth.com

Office Action Summary**Application No.**

10/583,658

Applicant(s)

ZEGDI, RACHID

Examiner

CHERYL MILLER

Art Unit

3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-4, 6-9 and 11-18 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 7, 8, 14, 15 and 18 is/are rejected.
- 8) ☒ Claim(s) 1-4, 6, 9, 11-13 and 16-17 is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-SB06)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 23, 2010 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6-9, 11-13 and 16-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 1 is objected to because of the following informalities: line 18 recites, "along central axis". This statement is unclear. It is suggested to change the above to recite --along a central axis--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Each claim requires the clamp to have two (or three) branches. This is indefinite as it is unclear if these two (or three) branches are the same or in addition to the at least two branches

claimed in claim 1. It is suggested to change the claims to recite, --The kit according to claim 1, wherein the at least two branches is two (or three for claim 8) branches--.

The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

Subject to the [fourth paragraph of 35 U.S.C. 112], a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

Claim 14 is rejected under 35 U.S.C. 112, 4th paragraph, as being of improper dependent form for failing to further limit the subject matter of the claim upon which it depends, or for failing to include all the limitations of the claim upon which it depends. Claim 14 does not further limit claim 18 as all limitations of claim 14 are already recited in independent claim 18. Applicant may cancel the claim(s), amend the claim(s) to place the claim(s) in proper dependent form, rewrite the claim(s) in independent form, or present a sufficient showing that the dependent claim(s) complies with the statutory requirements.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrison et al. (US 6,425,916 B1, cited previously) in view of Bolea et al. (US 2002/0188344

A1). Garrison discloses a kit for placement in a duct substantially as claimed. Garrison discloses a kit (fig.9) comprising a tubular endoprosthesis (8; fig.8) and a prosthetic valve (6; fig.10), the valve configured to be implanted in and removed from the tubular endoprosthesis (is unattached separate component, thus has *capability* of being removed therefrom; shown in figures to be inserted into body separately as well), the valve (6; fig.10) having a resilient carrier frame (26; col.8, lines 14-21; col.9, lines 1-10), and flexible shutter (leaflets 38). Garrison discloses the shutter (leaflets 38) to have an obstructed position (closed) in which it is extended transverse to the lumen (see fig.11) and a released position when the shutter is contracted transversely to the central axis (leaflets open to be parallel with lumen thus are contracted along the transverse plane-relative to the transverse plane, at the rim/perimeter of the valve). Garrison shows a centripetal compression means comprising a constriction strand for compressing the carrier frame (wire ring 31 or the ring connecting 31 and 28 may be considered the constriction strands as they are closed loops and *capable of being grasped* by instrumentation and pulled inward to compress the stent). In the case that rings 31 or 40/41 may not be considered the constriction strand, Bolea teaches in the same field of resilient frames (stents), the use of a constriction strand (80; figs.8-10 or 19-21) in the form of a closed loop attached to an end of a resilient frame (10; P0001, P0039-P0040, similar to Garrisons frame 26), in order to provide a means for removing or repositioning the frame if needed (P0009, P0049, P0050, P0060). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Bolea's teaching of placing closed loop constriction strands on stents/resilient frame, with the resilient frame (26) and Garrisons system (seen in fig.9), in order to provide a mean for removing the inner stent valve (26) from the body or repositioning it if needed.

Allowable Subject Matter

Claims 1-4, 6-9, 11-13 and 16-17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, or claim objections set forth in this Office action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Soetikno US 2002/0143387 discloses another example of constriction strands on stents.

Berg US 7,252,681 discloses a constriction strand on a valve stent.

Herrmann US 2007/0016286, Osborne US 2006/0212110, disclose inner valve structures with clamp branches.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Cheryl Miller whose telephone number is 571-272-4755. The examiner can normally be reached on M- F (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, Thomas Sweet at 571-272-4761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If there are any inquiries that are not being addressed by first contacting the Examiner or the Supervisor, you may send an email inquiry to TC3700_Workgroup_D_Inquiries@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cheryl Miller/
Examiner, Art Unit 3738
/THOMAS J SWEET/

Supervisory Patent Examiner, Art Unit 3738